

United States District Court  
Southern District of Texas  
Victoria Division

STATE OF TEXAS, *et al.*,

*Plaintiffs,*

v.

U.S. DEPARTMENT OF HOMELAND SECURITY,  
*et al.*,

*Defendants.*

Case 6:23-cv-00007

**DECLARATION OF JAMES TERRY**

My name is James Terry, and I am over the age of 18 and fully competent in all respects to make this declaration. I have personal knowledge and expertise of the matters herein stated.

1. I am the Associate Commissioner for School Finance/Chief School Finance Officer at the Texas Education Agency (“TEA”) with 30 years of experience at the school district level. I have worked for TEA in this capacity since December 1, 2022, having previously served as the Chief Financial Officer for Third Future Schools and the Chief Financial Officer at Dallas Independent School District from 2013 to 2017. Previously I served as the Executive Director of Finance for the North East Independent School District from 1999 to 2011.

2. In my current position, I oversee TEA’s school finance operations, including the administration of the Foundation School Program and analysis and processing of financial data. My responsibilities also include representing TEA in legislative hearings and school finance-related litigation.

3. TEA estimates that the average funding entitlement for fiscal year 2023 will be \$9,564 per student in attendance for an entire school year. If a student qualified for the additional Bilingual and Compensatory Education weighted funding (for which most, if not all, UAC presumably would qualify), it would cost the State \$11,781 to educate each student in attendance for the entire school year.

4. TEA has not received any information directly from the federal government regarding the precise number of unaccompanied children (“UAC”) in Texas. However, I am aware that data from the U.S. Health and Human Services (“HHS”) Office of Refugee Resettlement (accessed on May 24, 2023 at 1:09 a.m. CST at <https://www.acf.hhs.gov/orr/grant-funding/unaccompanied-children-released-sponsors-state>) (attached as Exhibit 1), indicates that in Texas, 3,272 UAC were released to sponsors during the 12-month period covering October 2014 through September 2015; 6,550 UAC were released to sponsors during the 12-month period covering October 2015 through September 2016; 5,391 UAC were released to sponsors during the 12-month period covering October 2016 through September 2017; 4,136 UAC were released to sponsors during the 12-month period covering October 2017 through September 2018; 9,900 UAC were released to sponsors during the 12-month period covering October 2018 through September 2019; 2,336 UAC were released to sponsors during the 12-month period covering October 2019 through September 2020; 15,341 UAC were released during the 12-month period covering October 2020 through September 2021; and 19,071 UAC were released during the 12-month period covering October 2021 through September 2022. If each of these children is educated

in the Texas public school system and qualifies for Bilingual and Compensatory Education weighted funding (such that the State's annual cost to educate each student for fiscal years 2016, 2017, 2018, 2019, 2020, 2021, 2022, and 2023 would be roughly \$9,573, \$9,639, \$9,841, \$10,330, \$11,323, \$11,536, \$11,719, and \$11,781, respectively), the annual costs to educate these groups of children for fiscal years 2016, 2017, 2018, 2019, 2020, 2021, 2022, and 2023 would be approximately \$31.32 million, \$63.13 million, \$53.05 million, \$42.73 million, \$112.10 million, \$26.95 million, \$179.78 million, and \$224.67 million, respectively.

5. School formula funding is comprised of state and local funds. The state funding is initially based on projections made by each school district at the end of the previous biennium. Districts often experience increases in their student enrollment from year to year, and the State plans for an increase of approximately 15,000 students in enrollment growth across Texas each year.

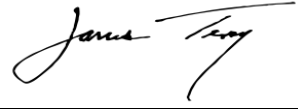
6. The Foundation School Program serves as the primary funding mechanism for providing state aid to public schools in Texas. Any additional UAC enrolled in Texas public schools would increase the State's cost of the Foundation School Program over what would otherwise have been spent.

7. Based on my knowledge and expertise regarding school finance issues impacting the State of Texas, I anticipate that the total costs to the State of providing public education to UAC will rise in the future to the extent that the number of UAC enrolled in the State's public school system increases.

8. All of the facts and information contained within this declaration are within my personal knowledge and are true and correct.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 24 day of May 2023.

A handwritten signature in black ink, appearing to read "James Terry", is written above a horizontal line.

JAMES TERRY

# Unaccompanied Children Released to Sponsors by State

Listen

**Current as of:** April 28, 2023

When a child who is not accompanied by a parent or legal guardian is apprehended by immigration authorities, the child is transferred to the care and custody of the Office of Refugee Resettlement (ORR). Federal law requires that ORR feed, shelter, and provide medical care for unaccompanied children until it is able to release them to safe settings with sponsors (usually family members), while they await immigration proceedings. These sponsors live in many states.

Sponsors are adults who are suitable to provide for the child's physical and mental well-being and have not engaged in any activity that would indicate a potential risk to the child. All sponsors must pass a background check. The sponsor must agree to ensure the child's presence at all future immigration proceedings. They also must agree to ensure the minor reports to ICE for removal from the United States if an immigration judge issues a removal order or voluntary departure order.

HHS is engaging with state officials to address concerns they may have about the care or impact of unaccompanied children in their states, while making sure the children are treated humanely and consistent with the law as they go through immigration court proceedings that will determine whether they will be removed and repatriated, or qualify for some form of relief.

HHS has strong policies in place to ensure the privacy and safety of unaccompanied children by maintaining the confidentiality of their personal information. These children may have histories of abuse or may be seeking safety from threats of violence. They may have been trafficked or smuggled. HHS cannot release information about individual children that could compromise the child's location or identity.

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The data in the table below shows **state-by-state** data of unaccompanied children released to sponsors as of March 31, 2023. ACF will update this data each month. **[Additional data on unaccompanied children released to sponsors by state is available on the HHS website](#)** [↗](#).

**[View unaccompanied children released to sponsors by county.](#)**

**Please note:** ORR makes considerable effort to provide precise and timely data to the public, but adjustments occasionally occur following review and

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FY2017 release data were updated May 22, 2018. The FY2018 release data were updated December 3, 2019. Questions may be addressed to ORR directly, at (202) 401-9246.

## Unaccompanied Children Release Data

STATE	TOTAL NUMBER OF UC RELEASED TO SPONSORS IN FY15 (OCT. 2014 — SEPT. 2015)	TOTAL NUMBER OF UC RELEASED TO SPONSORS IN FY16 (OCT. 2015 — SEPT. 2016)	TOTAL NUMBER OF UC RELEASED TO SPONSORS IN FY17 (OCT. 2016 — SEPT. 2017)*	TOTAL NUMBER OF UC RELEASED TO SPONSORS IN FY18 (OCT. 2017 — SEPT. 2018)*	TOTAL NUMBER OF UC RELEASED TO SPONSORS IN FY19 (OCT. 2018 — SEPT. 2019)	TOTAL NUMBER OF UC RELEASED TO SPONSORS IN FY20 (OCT. 2019 — SEPT. 2020)	TOTAL NUMBER OF UC RELEASED TO SPONSORS IN FY21 (OCT. 2020 — SEPT. 2021)*	TOTAL NUMBER OF UC RELEASED TO SPONSORS IN FY22 (OCT. 2021 — SEPT. 2022)	TOTAL NUMBER OF UC RELEASED TO SPONSORS IN FY23 (OCT. 2022 — MAR. 2023)
Alabama	808	870	598	736	1,111	247	1,946	2,378	1,076
Alaska	2	5	3	0	4	0	4	6	4
Arizona	167	330	322	258	493	162	631	782	446
Arkansas	186	309	272	193	359	87	790	926	496
California	3,629	7,381	6,268	4,675	8,447	2,225	10,773	13,730	5,956
Colorado	248	427	379	313	714	172	1,088	1,424	765
Connecticut	206	454	412	332	959	260	1,447	1,302	614
Delaware	152	275	178	222	383	107	519	573	282
DC	201	432	294	138	322	48	307	421	160
Florida	2,908	5,281	4,059	4,131	7,408	1,523	11,145	13,195	6,431
Georgia	1,041	1,735	1,350	1,261	2,558	559	4,358	5,233	2,470
SHARES									

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Idaho	11	39	11	28	62	19	84	125	74
Illinois	312	519	462	475	863	211	1,712	2,930	1,734
Indiana	240	354	366	394	794	209	1,593	1,867	919
Iowa	201	352	277	238	489	119	677	820	401
Kansas	245	326	289	305	453	95	718	807	399
Kentucky	274	503	364	370	710	158	1,042	1,242	605
Louisiana	480	973	1,043	931	1,966	355	2,851	3,420	1,375
Maine	4	9	11	22	26	11	64	96	63
Maryland	1,794	3,871	2,957	1,723	4,671	825	5,471	6,062	2,512
Massachusetts	738	1,541	1,077	814	1,756	448	2,549	2,700	1,166
Michigan	132	227	160	136	248	74	451	673	341
Minnesota	243	318	320	294	624	151	1,002	1,071	607
Mississippi	207	300	237	299	482	108	707	745	313
Missouri	170	261	234	203	431	93	794	1,008	528

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Nebraska	293	486	355	374	563	130	889	919	403
Nevada	137	283	229	132	324	79	465	616	291
New Hampshire	14	25	27	20	25	8	67	61	26
New Jersey	1,462	2,637	2,268	1,877	4,236	921	5,911	6,648	2,794
New Mexico	19	65	46	43	89	34	116	141	98
New York	2,630	4,985	3,938	2,845	6,367	1,663	8,534	8,543	4,329
North Carolina	844	1,493	1,290	1,110	2,522	610	4,249	4,888	2,295
North Dakota	2	10	3	2	10	1	14	19	7
Ohio	483	693	584	547	1,091	260	1,675	1,993	980
Oklahoma	225	301	267	286	581	120	906	1,062	437
Oregon	122	188	170	200	318	71	438	562	307
Pennsylvania	333	604	501	563	1,229	271	2,103	2,518	1,781
PR	0	0	0	1	3	3	0	3	2
Rhode Island	105	260	224	225	452	92	520	600	256
SHARES									



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South Carolina	294	562	483	508	1,012	255	1,743	2,251	1,089
South Dakota	61	81	81	96	149	44	233	272	122
Tennessee	765	1,354	1,066	1,173	2,191	510	4,267	4,821	2,213
Texas	3,272	6,550	5,391	4,136	9,900	2,336	15,341	19,071	8,273
Utah	62	126	99	97	179	75	307	491	245
Vermont	1	1	0	2	6	1	8	4	4
Virginia	1,694	3,728	2,888	1,650	4,215	770	5,400	6,213	2,495
Washington	283	476	494	435	723	237	1,113	1,301	640
West Virginia	12	26	23	23	41	4	60	89	26
Wisconsin	38	85	94	98	246	62	531	721	339
Wyoming	6	23	14	15	15	6	22	34	16
Virgin Islands	0	0	3	0	0	0	0	1	1
<b>TOTAL</b>	<b>27,840</b>	<b>52,147</b>	<b>42,497</b>	<b>34,953</b>	<b>72,837</b>	<b>16,837</b>	<b>107,686</b>	<b>127,447</b>	<b>58,654</b>

\*The FY2015 numbers have been reconciled.

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\*The FY2017 numbers have been reconciled.

\*The FY2018 numbers have been reconciled.

\*The FY2021 numbers have been reconciled.

For more information, please read [ORR's reunification policy](#).

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[grant](#)

**Audiences:**

[Unaccompanied Children \(UC\)](#)